

Notice of Allowability

Application No.

10/660,638

Examiner

Janis L. Dote

Applicant(s)

YAMAZAKI ET AL.

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Jun. 19, 2006.
2. ☒ The allowed claim(s) is/are 1,3-9,11,13 and 15-17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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1. The examiner acknowledges the cancellation of claim 12 and the amendments to claims 1 and 13 set forth in the amendment filed on Jun. 19, 2006. Claims 1, 3-9, 11, 13, and 15-17 are pending.

2. The examiner notes that the originally filed specification at page 50, lines 10-12, defines the term "dry silica" recited in instant claim 1 as "dry silica (also referred to as so-called dry method or fumed silica) produced by vapor phase oxidation of a silicon halide."

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Peter Saxon (Reg. No. 24,947) on Aug. 7, 2006.

The application has been amended as follows:

In claim 13, at line 1, delete the number "12" and insert the number -- 1 --.

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4. The examiner's amendment to claim 13 corrects the dependency of said claim from being dependent on a cancelled claim.

REASONS FOR ALLOWANCE

5. The following is an examiner's statement of reasons for allowance:

The rejection of claims 1, 3-5, 7-9, 11-13, and 15-17 under 35 U.S.C. 102(b)/103(a) over US 2001/0028988 A1 (Magome), as evidenced by applicants' admission I, and the rejections under 35 U.S.C. 103(a) of claims 1, 3-5, 7-9, 11-13, and 15-17 over Magome, as evidenced by applicants' admission I, and of claim 6 over Magome, as evidenced by applicants' admission I, combined with the other cited references, set forth in the office action mailed on Mar. 14, 2006, paragraphs 6-8, respectively, have been withdrawn in response to the amendment to claim 1 filed on Jun. 19, 2006. Amended claim 1 now requires that the "rate of liberation 'a' of the conductive fine particle from the toner particle is 75 to 88%." As discussed in paragraph 6, Magome teaches that the rate of liberation of the conductive particles can range from 5.0 to 50.0%. Magome also teaches the disadvantages when the rate of liberation of the conductive powder is more than 50%. Paragraph 0253, lines 14-18, and paragraph 0262. The Magome range rate of liberation range of

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5.0 to 50% is outside the range of 75 to 88% recited in instant claim 1. Moreover, Magome appears to teach away from rates of liberation greater than 50%.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry regarding papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Janis L. Dote
JANIS L. DOTE
PRIMARY EXAMINER
GROUP 1600-
1700

JLD

Aug. 7, 2006